



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
www.morgantownwv.gov

June 16, 2016

James Kozak
633 Astor Avenue
Morgantown, WV 26501

RE: CU16-04 / Kozak / 633 Astor Avenue / Tax Map 40, Parcel 542

Dear Mr. Kozak:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced petition for conditional use of a "Class 2 Home Occupation" located at 633 Astor Avenue. The decision is as follows:

Board of Zoning Appeals, June 15, 2016:

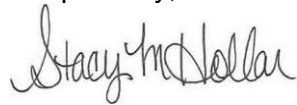
1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. CU16-04 as requested with the following conditions:
 - a. That the petitioner shall meet all related supplemental regulations specified in Article 1331.06(2) et seq. of the Planning and Zoning Code.
 - b. That if the petitioner, as the sole beneficiary of this conditional use approval, wishes to make changes in the conduct of the business that departs from the description in the application or from any other conditions or restrictions imposed by the Board of Zoning Appeals, the holder must obtain prior permission of the Board of Zoning Appeals.
 - c. That direct customer sales at the home shall not be permitted without prior permission of the Board of Zoning Appeals thereby mitigating any related increase in congestion in the streets within the immediate area.
 - d. That operation of the home occupation shall not interfere with nor reduce the number of on-site parking spaces below the two (2) existing on-site parking spaces required for "Single-Family Dwelling" uses.
 - e. That the conditional use approval granted herein is specific to the petitioner and may not be transferred without prior approval by the Board of Zoning Appeals.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Should you have any questions or require further clarification, please contact the undersigned.

Respectfully,



Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact

Finding of Fact No. 1 – The home occupation will be compatible with residential uses of the dwelling, in that:

The living area of the home will not change only minor changes to the interior of the garage area.

Finding of Fact No. 2 – The home occupation will not change the residential character of the dwelling, in that:

Nothing will be different or disturbed to the dwelling except minor additions to the interior portion of the garage.

Finding of Fact No. 3 – The home occupation will not detract from the residential character of the neighborhood, in that:

Changes only to the interior portion of the integral basement garage. No change will be visible from the exterior of the home and no additional traffic will be generated relating to customers as all sales will be completed off-site at stores, restaurants, and through the internet.

Finding of Fact No. 4 – Congestion in the streets will not be increased, in that:

No direct customer sales will be permitted at the home as per related conditions imposed by the Board of Zoning Appeals. With the exception of deliveries of materials and pickup of product, no large vehicles will be used for delivery so no added congestion to vehicle access, movement, or on-street parking is anticipated.